

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/13/2015

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE EMPLOYEES' RETIREMENT SYSTEM OF :
THE CITY OF MONTGOMERY, individually and :
on behalf of all others similarly situated, :

Plaintiff, :

vs. :

JPMORGAN CHASE BANK, N.A. and :
SIMPSON THACHER & BARTLETT LLP, :

Defendants. :

C.A. No. 15-cv-06002 (GHW)

ECF Case

OAKLAND POLICE AND FIRE :
RETIREMENT SYSTEM, individually and on :
behalf of all others similarly situated, :

Plaintiff, :

vs. :

JPMORGAN CHASE BANK, N.A. and :
SIMPSON THACHER & BARTLETT LLP, :

Defendants. :

C.A. No. 15-cv-06007 (GHW)

ECF Case

**STIPULATION AND ~~PROPOSED~~ ORDER (1) ADJOURNING THE TIME FOR
DEFENDANTS TO ANSWER, MOVE TO DISMISS, OR OTHERWISE
RESPOND TO THE COMPLAINTS, AND (2) CONSOLIDATING THE ACTIONS
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 42(A)**

WHEREAS there are presently two related putative class actions brought by
alleged Term Loan lenders against JPMorgan Chase Bank, N.A. ("JPMorgan") and Simpson
Thacher & Bartlett LLP ("ST&B") on file in this Court, which actions are captioned above;

WHEREAS in an effort to assure consistent rulings and decisions and the avoidance of unnecessary duplication of effort, the undersigned counsel for parties in the related putative class actions enter into this stipulation;

NOW WHEREFORE IT IS HEREBY STIPULATED by all parties to the above-referenced actions, subject to the approval of the Court, as follows:

1. It would be duplicative and wasteful of the Court's resources for defendants named in plaintiffs' putative class actions to have to respond to the individual complaints before the agreed upon consolidation of the above-captioned actions. Therefore, defendants named in these actions need not respond to the individual complaints that have already been filed in the above-captioned actions.

2. The following class actions are related and shall be consolidated, pursuant to Rule 42(a), for all purposes, including pre-trial proceedings and trial:

<u>Abbreviated Case Name</u>	<u>Case Number</u>	<u>Date Filed</u>
<i>The Employees' Retirement System of the City of Montgomery v. JPMorgan Chase Bank, N.A. and Simpson Thacher & Bartlett LLP</i>	15-cv-06002 (GHW)	July 30, 2015
<i>Oakland Police and Fire Retirement System v. JPMorgan Chase Bank, N.A. and Simpson Thacher & Bartlett LLP</i>	15-cv-06007 (GHW)	July 30, 2015

3. Every pleading filed in these consolidated actions shall bear the following caption:

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE TERM LOAN LENDER CLASS ACTION) Lead Case No. 15-cv-06002 (GHW)
LITIGATION)
) (Class Action)

This Document Relates To:)
)

ALL ACTIONS.)
_____)

4. The files of these consolidated class actions shall be maintained in one file under Lead Case No. 15-cv-06002 (GHW).

5. Plaintiffs in the above-captioned consolidated class actions shall have until 30 days after the date this Stipulation is “so-ordered” to file a Consolidated Class Action Complaint, and the time of all defendants to answer, move to dismiss or otherwise respond to the Consolidated Class Action Complaint in this action shall be extended to 60 days after the filing of the Consolidated Class Action Complaint.

6. If defendants intend to move to dismiss the Consolidated Class Action Complaint in whole or in part, pursuant to the Rule 2.C.i of the Court’s Individual Rules of Practice in Civil Cases, defendants shall file pre-motion letters no later than fourteen days prior to the intended date of the motions to dismiss or defendants’ deadline to answer, move to dismiss or otherwise respond to the Consolidated Class Action Complaint, as set per paragraph 5 of this Order. Following consideration of such pre-motion letters, the Court will set a briefing schedule for the motions.

~~7. Any similar action, arising out of the same or substantially the same transactions or events as these cases, which is subsequently filed in, removed to, or transferred to this Court shall be consolidated with this Consolidated Action. The parties in any such related case shall~~

~~have fourteen days from notice of this Order to move, for good cause, that their case not be consolidated with this Consolidated Action.~~

8. When a case which properly belongs as part of the *In re Term Loan Lender Class Action Litigation*, Lead Case No. 15-cv-06002 (GHW), is hereafter filed in the Court or transferred here from another court, counsel shall call to the attention of the Clerk of the Court the filing or transfer of any case that might properly be consolidated as part of the *In re Term Loan Lender Class Action Litigation*, Lead Case No. 15-cv-06002 (GHW), and counsel are to assist in assuring that counsel in subsequent actions receive notice of this Order.

9. The undersigned defendants acknowledge, without waiver of any arguments or defenses, including defenses related to personal jurisdiction and venue, receipt of a copy of the complaint in each of the above-captioned actions as of the date the Court “so orders” and enters this stipulation, and agree to save the cost of service of a summons and additional copies of the complaints in the above-captioned lawsuits by not requiring service of judicial process in the manner provided for by Fed. R. Civ. P. 4.

10. Nothing herein shall be deemed to constitute a waiver of, and defendants do not waive, and expressly preserve, all arguments and defenses in the above-captioned class actions, including defenses related to personal jurisdiction and venue.

Dated: October 9, 2015

Edward F. Haber / CLW with
permission per
10/8/15 email

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Dated: October 9, 2015

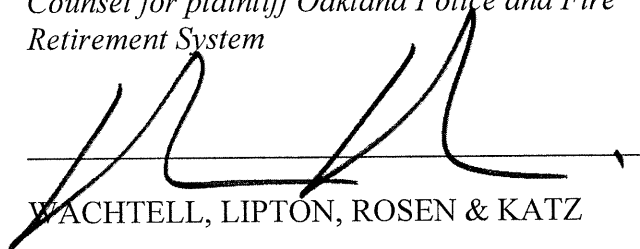
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Dated: October 9, 2015

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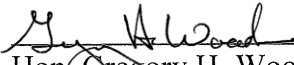
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*Counsel for defendant Simpson Thacher &
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SO ORDERED:


Hon. Gregory H. Woods
United States District Judge

gm

Dated: New York, New York
October 13, 2015

The Court does not adopt paragraph 7 of the stipulation as proposed by the parties, instead, the following rules will apply with respect to consolidation of related matters filed in this Court: Subsequently filed actions deemed as related by the Court shall be consolidated with the lead case file. This order shall apply to any related action that is filed in this Court unless a party objects within 14 days of notice of this order. This order shall not have the effect of making any person, firm, or corporation a party to any action in which they have not been added as such in accordance with the Federal Rules of Civil Procedure.

The Clerk of Court is directed to update the caption in 15-cv-06002-GHW in accordance with paragraphs three and four of this stipulation and order. The Clerk of Court is also directed to close 15-cv-06007-GHW and include a notation in that docket that upon entry of this stipulation and order, all papers shall be filed in the lead case file and no further papers shall be filed in 15-cv-06007-GHW.